

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Walter William Cartwright III,)	
)	
Plaintiff,)	ORDER AND REPORT AND
)	RECOMMENDATION
vs.)	
)	
Captain Chris Ray,)	Case No. 1:23-cv-085
)	
Defendant.)	

Plaintiff Walter William Cartwright III (“Cartwright”) is in the custody of the United States Marshals Service awaiting trial on federal firearm charges. (Doc. No. 2-3). He is being housed at the Ward County Detention Center. He initiated the above-captioned action pro se and in forma pauperis on May 1, 2023. (Doc. Nos. 1 through 3). He is suing Defendant Chris Ray (“Ray”) in his individual and official capacities for Ray’s alleged infringement of his First and Fourteenth Amendment rights. He claims that restricted his mail, denied his equal protection, infringed upon his right to access the courts, and otherwise retaliated against him.

The undersigned screened Cartwright’s original complaint as required by 28 U.S.C. § 1915A and determined that Cartwright had failed to assert cognizable claims regarding mail restrictions, equal protection violations, infringement upon his right to petition the courts but had asserted a facially cognizable claim for retaliation. Consequently, the undersigned issued an order on May 9, 2023, giving Cartwright a deadline of May 26, 2023, to either file an amended complaint or show cause why his original complaint should not be dismissed in part. (Doc. No. 9).

On May 24, 2023, Cartwright filed a supplement to his complaint, which reads as follows:

I’m writing to fix a typo in my complaint. Number 9.) There is a causal connection between my protected speech and conduct, and the adverse action was taken against

me. I was disciplined in retaliation as a result of actually violating jail rules.

This words “rather than” should of been between the words retaliation and as.

retaliation “rather than” as a result of actually violating jail rules.

It should read: I was disciplined in retaliation rather than as a result of violating jail rules.

(Doc. No. 11).

On May 24, 2023, Cartwright filed a motion seeking leave to correct the typographical error in his original complaint that he discussed in his supplement. (Doc. No. 12). However, he has yet to file an amended complaint addressing other deficiencies in his original complaint or otherwise showed cause why his other claims should not be dismissed.

Cartwright’s motion to correct the typographical error in his original complaint is (Doc. No. 12) is **GRANTED**. The Clerk’s office shall attached a copy of Cartwright’s supplement to a copy of his original complaint and refile them as Cartwright’s amended complaint.

For the reasons articulated by the undersigned in the order to show cause dated May 9, 2023, the undersigned **RECOMMENDS** that the court permit Cartwright to proceed with his claim for retaliation, dismiss the remainder of Cartwright’s claims, and direct the Clerk’s office to effectuate service of Cartwright’s amended complaint.

NOTICE OF RIGHT TO FILE OBJECTIONS

Objections to this recommendation are due by June 21, 2023. D.N.D. Civ. L.R. 72.1(D)(3). Failure to file appropriate objections may result in the recommended action being taken without further notice or opportunity to respond.

Dated this 6th day of June, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court